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09/708,907	11/08/2000	Toshihiko Fukasawa	1232-4658	3118

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EXAMINER

WHIPKEY, JASON T

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/708,907		FUKASAWA ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Jason T. Whipkey		2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-74 is/are pending in the application.
- 4a) Of the above claim(s) 69-72 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-68, 73 and 74 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-68 have been considered but are moot in view of the new grounds of rejection.

### ***Specification***

2. The replacement abstract is approved and the corresponding objection is withdrawn.

### ***Drawings***

3. The replacement drawings and amendment to the specification are approved and the corresponding objections are withdrawn.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 1-3, 9, 10, 13, 22, 23, 30, 31, 33-35, 41, 42, 45, 54, 55, 62, 63, 67, and 68 are rejected under 35 U.S.C. 102(e) as being anticipated by Amini (U.S. Patent No. 6,698,021).

Regarding **claims 1 and 33**, Amini discloses an image processing system (see Figure 3) comprising:

capture means (security cameras 312) for capturing image data from an image input apparatus disposed on a network (private network 340; see column 6, lines 34-48);

storage means (image database 334) for storing the plural image data captured by said capture means (see column 5, lines 3-4) and, beside the image data, information at the image capture time (see column 12, lines 53-60);

creation means (ImageCapture application 510) for creating display image control data from the image data captured by said capture means (ImageCapture application 510 on off-site server 332 “publishes” the image data for Internet clients; see column 8, lines 24-30, and column 13, lines 55-58) and the information at the image capture time (as shown in interface 900 of Figure 9A, the user interface is created by the server to organize images according to the date stored; see column 14, line 66, through column 15, line 7), the display image control data being the data to control an image for display; and

transmission means (inherently present in order to transmit image data over public network 350) for transmitting the display image control data created by said creation means.

control means (a configuration file on off-site server 332; see column 8, lines 51-67) for controlling at least a designated one of said capture means (a start/stop time parameter is included in the configuration file; see column 9, lines 14-17), said creation means and said transmission means in accordance with a schedule designated in advance.

Regarding **claims 2 and 34**, Amini teaches:

wherein said control means includes image capture control means (a configuration file on off-site server 332; see column 8, lines 51-67) for controlling said capture means in accordance with the schedule designated in advance (a start/stop time parameter is included in the configuration file; see column 9, lines 14-17).

Regarding **claims 3 and 35**, Amini teaches:

said creation means creates the display image control data in accordance with a predetermined template (see Figure 10B) which is used to cause at least one of a date and time of the image data capture, a size of the image data, a title, camera control information (current absolute pan/tilt/zoom ["PTZ"] positions of camera 312 are sent to client workstation 322 for correct display of these positions on the scrollbars; see column 15, lines 55-67) and information concerning voice to be displayed together with the image data (viewing image window 1012).

Regarding **claims 9 and 41**, Amini teaches:

said storage means receives the image data from said capture means through the network (see column 5, lines 62-66).

Regarding **claims 10 and 42**, Amini teaches:

said control means includes transmission control means (the start/stop time parameter; see column 9, lines 14-17) for performing control to transmit the image data to a predetermined server in accordance with the schedule designated in advance (see column 9, lines 26-31).

Regarding **claims 13 and 45**, Amini teaches:

said creation means creates an HTML (HyperText Markup Language) file (see column 13, lines 55-58).

Regarding **claims 22 and 54**, Amini teaches:

said capture means is a camera disposed on the network (see column 4, lines 60-63).

Regarding **claims 23 and 55**, Amini teaches:

said capture means continuously captures the plural images at a predetermined time interval, from a start date and time of the image data capture (a start/stop time parameter is included in the configuration file; see column 9, lines 14-17).

Regarding **claims 30 and 62**, Amini discloses an image processing system, comprising:

capture means (security cameras 312) for capturing image data from an image input apparatus disposed on a network (private network 340; see column 6, lines 34-48);

storage means (image database 334) for storing the plural image data captured by said capture means (see column 5, lines 3-4);

creation means (ImageCapture application 510) for creating display image control data from the image data captured by said capture means (ImageCapture application 510 on off-site server 332 “publishes” the image data for Internet clients; see column 8, lines 24-30, and column 13, lines 55-58) and information at the image capture time (as shown in interface 900 of Figure 9A, the user interface is created by the server to organize images according to the date stored; see column 14, line 66, through column 15, line 7), the display image control data being the data to control an image for display;

transmission means (inherently present in order to transmit image data over public network 350) for transmitting the display image control data created by said creation means to a transmission destination (see column 13, lines 55-58);

transmission control means (Internet Protocol address-setting means are inherently present in order for data to be transmitted from a client to a server over the Internet) for controlling the transmission destination of the transmission process by said transmission means and a transmission time (ImageCapture application 510 transmits live video to client workstations 322 as the images are received); and

control means (a configuration file on off-site server 332; see column 8, lines 51-67) for controlling at least a designated one of said capture means (a start/stop time parameter is included in the configuration file; see column 9, lines

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14-17), said creation means and said transmission means in accordance with a schedule designated in advance.

Regarding **claim 31**, Amini discloses:

capture means (security cameras 312) for capturing image data from an image input apparatus disposed on a network (private network 340; see column 6, lines 34-48);

storage means (image database 334) for storing the plural image data captured by said capture means (see column 5, lines 3-4);

creation means (ImageCapture application 510) for creating display image control data from the image data captured by said capture means (ImageCapture application 510 on off-site server 332 “publishes” the image data for Internet clients; see column 8, lines 24-30, and column 13, lines 55-58) and information at the image capture time (as shown in interface 900 of Figure 9A, the user interface is created by the server to organize images according to the date stored; see column 14, line 66, through column 15, line 7), the display image control data being the data to control an image for display;

transmission means (inherently present in order to transmit image data over public network 350) for transmitting the display image control data created by said creation means (see column 13, lines 55-58); and

control means (a configuration file on off-site server 332; see column 8, lines 51-67) for controlling at least a designated one of said capture means (a start/stop time parameter is included in the configuration file; see column 9, lines



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14-17), said creation means and said transmission means in accordance with a schedule designated in advance.

**Claims 63 and 67** may be treated like claims 33 and 30, respectively. Additionally, Amini teaches in column 7, line 28, through column 8, line 20, that software on off-site server 332 controls the system. It is inherent that the software is stored on a recording medium of some sort.

Regarding **claim 68**, Amini discloses:

capture means (security cameras 312) for capturing plural image data and information at image capture time from an image input apparatus disposed on a network (private network 340; see column 6, lines 34-48);

creation means (ImageCapture application 510) for creating display image control data from the image data (ImageCapture application 510 on off-site server 332 “publishes” the image data for Internet clients; see column 8, lines 24-30, and column 13, lines 55-58) and the information at the image capture time (as shown in interface 900 of Figure 9A, the user interface is created by the server to organize images according to the date stored; see column 14, line 66, through column 15, line 7) captured by said capture means, the display image control data being the data to control an image for display;

storage means (image database 334) for storing the display image control data created by said creation means (see column 5, lines 3-4); and

control means (a configuration file on off-site server 332; see column 8, lines 51-67) for controlling at least a designated one of said capture means (a

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start/stop time parameter is included in the configuration file; see column 9, lines 14-17) and said creation means and said transmission means in accordance with a schedule designated in advance.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1, 3-6, 8, 9, 13, 16, 17, 19-22, 24-26, 33, 35-38, 40, 41, 45, 48, 49, 51-54, and 56-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abrams (U.S. Patent Application Publication No. 2002/0138847) in view of Needham (U.S. Patent No. 6,803,945).

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Regarding **claims 1 and 33**, Abrams discloses an image processing system (see Figure 4) comprising:

capture means (image acquisition system 20) for capturing image data from an image input apparatus (see paragraph 29) disposed on a network (Internet 40; see paragraph 49);

storage means (image buffer database 33) for storing the plural image data captured by said capture means (see paragraph 26) and, beside the image data, information at the image capture time (a variety of parameters may be set; see paragraphs 43 and 49);

creation means (server 32) for creating display image control data (an HTML document; see paragraphs 44-45) from the image data captured by said capture means (image 72 in Figure 3; see paragraph 44) and the information at the image capture time (the HTML markup includes URLs formed using the image parameters; see paragraph 49), the display image control data being the data to control an image for display (an Internet browser on a user's computer 50 receives the data; see paragraph 34); and

transmission means (inherently present in telepresence control system 30, since data is transmitted to a user's computer 50; see paragraph 34) for transmitting the display image control data created by said creation means.

Abrams is silent with regard to including control means for controlling the system in accordance with a schedule designated in advance.

Needham discloses a web camera, including:

control means (a processor; see column 3, line 53) for controlling at least a designated one of said capture means (a web camera uploads captured images; see column 3, lines 54-56), said creation means and said transmission means in accordance with a schedule designated in advance (uploads occur hourly; see column 3, lines 54-56).

An advantage of controlling an image capture means according to a schedule designated in advance is that a time-lapse video may be produced without user intervention. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Abrams's system include an image capture means for capturing images in accordance with a predetermined schedule.

Regarding **claims 3 and 35**, Abrams teaches:

said creation means creates the display image control data in accordance with a predetermined template (server 32 stores a template; see paragraph 44) which is used to cause at least one of a date and time of the image data capture, a size of the image data, a title (as shown in Figure 7, a user's stored comments 84 may be displayed with the image), camera control information and information concerning voice to be displayed together with the image data.

Regarding **claims 4 and 36**, Abrams teaches:

generation means (included in server 32) for generating data (image parameter sets; see paragraph 49) of a format suitable for processing and editing the image data (a user may request changes in image size, compression, and brightness; see paragraph 49) captured by said capture means and uploading the

processed and edited data to the Internet (image data is transmitted from server to client via the Internet; see paragraph 34),

wherein said storage means stores the data generated by said generation means (image parameter sets are stored in the view card database 34 [see paragraph 49], which may be part of server 32 along with image buffer database 33 [see paragraph 27]).

Regarding **claims 5 and 37**, Abrams teaches:

control means (web servers 36) for receiving a transmission request of an image for display from the network (originating from client computer 50), and controlling said transmission means to transmit the display image control data to a destination from which the transmission request is sent (see paragraphs 42 and 52).

Regarding **claims 6 and 38**, Abrams teaches:

transmission route management means for managing a data transmission route to a transmission destination (web servers 26 inherently have some sort of routing to ensure that packets are sent to the proper recipient, since a server could not otherwise communicate over the Internet).

Regarding **claims 8 and 40**, Abrams teaches:

means for receiving an instruction from a user on the network and controlling said capture means to capture the image data at arbitrary timing (server 32 directs image acquisition system 20 to capture a new image when a user at a client machine makes an image request; see paragraph 43).

Regarding **claims 9 and 41**, Abrams teaches:

said storage means receives the image data from said capture means through the network (Figure 4 shows that both image acquisition system 20 and client computers 50 are connected to telepresence control system 30 by Internet 40; see paragraph 49).

Regarding **claims 13 and 45**, Abrams teaches:

said creation means creates an HTML file (see paragraphs 44-45).

**Claims 16 and 48** may be treated like claims 1 and 33, respectively. However, Abrams is silent with regard to selecting an image to be uploaded based on a predetermined estimate standard.

Needham discloses a motion-detecting web camera system. Needham teaches:

creation means (a processor; see column 3, lines 36-43) selects based on a predetermined estimate standard (the result of one of a plurality of motion detection algorithms is compared with a predetermined threshold; see column 3, lines 44-51) from the plural image data captured by said capture means an image to be uploaded to the network (see column 3, lines 39-43).

As stated in column 2, lines 3-15, motion detection analysis of a video signal reduces the number of unnecessary images uploaded to a server, thus decreasing the bandwidth and time necessary to store useful shots. For this reason, it would have been obvious at the time of invention to have Abrams's system select images based on a predetermined estimate standard, such as in the system described by Needham.

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Regarding **claims 17 and 49**, Needham teaches motion detection is based on a degree of similarity to a previous image (see column 4, lines 56-60).

Regarding **claims 19 and 51**, Needham teaches that previously captured images are used to detect motion (see column 4, lines 56-60).

Regarding **claims 20 and 52**, Needham teaches:

importance setting means for setting a degree of importance according to the predetermined estimate standard (a stable-change detection operation is performed, whereby long-lasting changes to a scene marked as having high importance and brief changes to a scene are marked as having low importance; see column 4, lines 11-35), wherein said creation means synthesizes the plural images in accordance with the degree of importance (the system selects and uploads only the most relevant image as being representative of a series of captured images; see column 5, lines 54-59).

Regarding **claims 21 and 53**, Needham teaches:

importance setting means for setting a degree of importance according to the predetermined estimate standard (a stable-change detection operation is performed, whereby long-lasting changes to a scene marked as having high importance and brief changes to a scene are marked as having low importance; see column 4, lines 11-35), wherein said creation means selects from the plural images the image to be transmitted, in accordance with the degree of importance (only images meeting the stable-change standard are uploaded; see column 4, lines 29-35).

Regarding **claims 22 and 54**, Abrams teaches:

said capture means is a camera disposed on the network (see Figure 4 and paragraph 49).

**Claims 24 and 56** may be treated like claims 20 and 48, respectively. However, Needham is silent with regard to placing everything on a single server.

Official Notice is taken that performing multiple tasks on a single server rather than separate servers is well known in the server arts. An advantage of performing multiple tasks on a single server is that processing is not slowed by network transmission of data from server to server. For this reason, it would have been obvious at the time of invention to have Needham's system perform all processing functions on a single server.

Regarding **claims 25 and 57**, Needham shows in Figure 1 (the structure of which is used in his invention) that PC 12 (i.e., the capture means and importance setting means) provides image data to separate web server 13.

Regarding **claims 26 and 58**, Abrams teaches:

the network is the Internet (see paragraph 49).

9. Claims 7 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abrams in view of Needham and further in view of Vu (U.S. Patent No. 5,623,601).

**Claims 7 and 39** may be treated like claims 6 and 38, respectively. Additionally, Abrams teaches in paragraph 34 that telepresence control system 30 may communicate with a modem via the Internet. However, Abrams is silent with regard to managing a transmission route for a gateway host connection.



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Vu discloses a system (see Figure 1) with a gateway station 14 connecting private network 10 and public network 12. Devices on private network 10 can only access public servers 24 through gateway station 14 (see column 7, lines 57-59), so every device must set its transmission route to gateway station 14 in order to communicate with public network 12.

As stated in column 7, lines 41-46, an advantage of routing transmissions through a gateway host is that the workings of private network 10 are invisible to public network 12, thus increasing the security of private network 10. For this reason, it would have been obvious at the time of invention to have Abrams's telepresence control system server route its communication through a gateway host.

10. Claims 11 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amini.

**Claims 11 and 43** may be treated like claims 1 and 33, respectively. Additionally, Amini teaches that image data can be stored in JPEG format. However, Amini is silent with regard to specifically stating that the image file includes information to control an application program for processing and editing the image data.

Official Notice is taken that the JPEG file format standard includes explicit counts of the horizontal and vertical pixel densities of the saved image, and this information is necessary to re-create the image in its original form. Such a re-creation would be required by an application to process and edit the image data.

An advantage of including this information is that it eliminates errors in restoring the image by ensuring that image data is re-created on the display appropriate line. For this reason,

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it would have been obvious at the time of invention to have Amini's system store image information useful to control an image processing/editing application.

11. Claims 12 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abrams in view of Needham and further in view of Kogane (U.S. Patent No. 6,323,897) and Vu.

**Claims 12 and 44** may be treated like claims 4 and 33, respectively. However, Abrams is silent with regard to performing the processes by plural image processing apparatuses independently disposed on the network.

Kogane discloses the network surveillance video camera system shown in Figure 1, wherein:

the processes which are to be performed by said capture means (camera AD11), said storage means (data storing terminal 3), and said creation means (control server 5; see column 6, lines 1-28) are performed by plural image processing apparatuses independently disposed on the network.

An advantage of including a dedicated piece of equipment to each function is that an abnormally heavy workload placed upon one piece of equipment will not affect the processing power needed to accomplish the other functions. For this reason, it would have been obvious at the time of invention to have Abrams's system perform the processes using independent image processing apparatuses disposed on a network.

Kogane is silent with regard to including transmission means on the network.

Vu discloses a system (see Figure 1) with a gateway station 14 connecting private network 10 and public network 12. Devices on private network 10 must use independent gateway station 14 to transmit data to external locations (see column 7, lines 57-59).

As stated in column 7, lines 41-46, an advantage of including independent transmission means is that data may be transmitted from private network 10 to public network 12 without sacrificing the security of private network 10. For this reason, it would have been obvious at the time of invention to have Kogane's system server route its communication through a freestanding gateway.

12. Claim 14 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abrams in view of Needham and further in view of Rowe.

Claims **14 and 46** may be treated like claims 1 and 33, respectively. Additionally, Abrams teaches that an HTML file may be generated to transmit data to the client (see paragraphs 44-45). However, Abrams is silent with regard to generating an XML file.

Rowe teaches that XML provides several advantages over HTML, including making "documents multidimensional, capable of being processed by other applications, delivered by several methods, and viewed differently by specific groups of users" (see page 238, column 2, paragraph 2). For these reasons, it would have been obvious at the time of invention to have Abrams's system create an XML file.

13. Claims 15 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amini in view of Garfinkle (U.S. Patent No. 6,017,157).

**Claims 15 and 47** may be treated like claims 1 and 33, respectively. However, Amini is silent with regard to including deletion means for managing an available term of the image data stored in said storage means and deleting the image data of which available term expired from said storage means.

Garfinkle discloses the system in Figure 1 including image server 16, which allows user to access stored images via the Internet (see column 5, lines 36-38). Digital images are maintained for a fixed period of time, after which they are deleted (see column 5, lines 40-44).

Garfinkle teaches (see *id.*) that an advantage of removing stored images from a server after a set period of time is that disk space may be freed for other images. For this reason, it would have been obvious at the time of invention to have Amini's server remove stored images after a specified period of time has elapsed.

14. Claims 18 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abrams in view of Needham and further in view of Koyanagi (U.S. Patent No. 6,125,145).

**Claims 18 and 50** may be treated like claims 17 and 49, respectively. However, Needham is silent with regard to comparing an image to a sample image previously set by a user.

Koyanagi discloses a motion detection apparatus and motion detection method. When a user sees an image captured by the camera (see Figure 1A) that he wishes to use as a "baseline" image, he manually activates detection start control apparatus 25 (see column 11, line 66, through column 12, line 6). The image captured by the camera at that moment is stored in reference image memory 14 (see column 12, lines 10-13). The camera continuously performs

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comparisons between newly captured images and the image stored in reference image memory 14, and the result of the comparison is used to detect motion (see column 5, lines 15-18).

As stated in column 1, lines 22-24 and 42-45, advantages of detecting a condition based on a similarity between a user selected image and another image include increased user flexibility and a reduction in detection errors resulting from simple variations in environmental light over time. For these reasons, it would have been obvious at the time of invention to have Needham's system perform image selection based on a degree of similarity with a user-selected image.

15. Claims 27, 59, 73, and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abrams in view of Needham and further in view of Levy (U.S. Patent No. 5,944,790).

**Claims 27 and 59** may be treated like claims 1 and 33, respectively. Additionally, Abrams discloses:

accumulation means (view card database 34) for accumulating the image captured by said capture means, and relative information being relative to the image (each view card includes an image 82 and a comment 84; see paragraph 56) and

reception means for receiving an image transmission request from a client (view card requests are received from the client; see paragraphs 51-53),

wherein said transmission means reads the image based on the image transmission request received by said reception means and the relative

information being relative to the read image and then transmits the read image and relative information (see *id.*).

Abrams is silent with regard to selecting, transmitting, and displaying relative information of one of a number of languages.

Levy discloses the system shown in Figure 1, which includes server 10 for transmitting a web page in a language requested by a client. As shown in Figure 4, a page may include text and an illustration 404 (see column 5, line 1). A number of language-selection buttons are provided on the page. Selecting a language using one of these buttons will cause server 10 to store in its database the user's language preference, and this preference will be used by the server to select the language transmitted in response to future page requests (see column 5, lines 21-39).

An advantage of fulfilling a client request using a client-identified language is that text understandable to a user may be transmitted without cluttering a page with multiple languages, thus improving readability. For this reason, it would have been obvious at the time of invention to have Abrams's server transmit comment data in a requested language.

Regarding **claims 73 and 74**, Abrams discloses:

accumulation means (view card database 34) for accumulating an image, and relative information being relative to the image (each view card includes an image 82 and a comment 84; see paragraph 56)

reception means for receiving an image transmission request from a client (view card requests are received from the client; see paragraphs 51-53); and

transmission means (inherently present in telepresence control system 30, since data is transmitted to a user's computer 50; see paragraph 34) for reading

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the image based on the image transmission request received by said reception means and the relative information being relative to the image, and transmitting the read image and relative information to the client (see paragraphs 51-53).

Abrams is silent with regard to including control means for controlling the system in accordance with a schedule designated in advance.

Needham discloses a web camera:

wherein the image accumulated in said accumulation means is produced (a web camera uploads captured images; see column 3, lines 54-56) and then transmitted to said image accumulation apparatus in accordance with a schedule designated in advance (uploads occur hourly; see column 3, lines 54-56).

An advantage of controlling an image capture means according to a schedule designated in advance is that a time-lapse video may be produced without user intervention. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Abrams's system include an image capture means for capturing images in a accordance with a predetermined schedule.

Abrams and Needham are silent with regard to selecting and transmitting relative information of one of a number of languages.

Levy discloses the system shown in Figure 1, which includes server 10 for transmitting a web page in a language requested by a client. As shown in Figure 4, a page may include text and an illustration 404 (see column 5, line 1). A number of language-selection buttons are provided on the page. Selecting a language using one of these buttons will cause server 10 to store in its

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database the user's language preference, and this preference will be used by the server to select the language transmitted in response to future page requests (see column 5, lines 21-39).

An advantage of fulfilling a client request using a client-identified language is that text understandable to a user may be transmitted without cluttering a page with multiple languages, thus improving readability. For this reason, it would have been obvious at the time of invention to have Abrams's server transmit comment data in a requested language.

16. Claims 28, 60, and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abrams in view of Amini and Garfinkle.

Regarding **claims 28 and 60**, Abrams discloses an image processing system (see Figure 4) comprising:

capture means (image acquisition system 20) for capturing image data from an image input apparatus (see paragraph 29) disposed on a network (Internet 40; see paragraph 49);

storage means (image buffer database 33) for storing the plural image data captured by said capture means (see paragraph 26);

transmission means (inherently present in telepresence control system 30, since data is transmitted to a user's computer 50; see paragraph 34) for transmitting from the network the image data stored in said storage means, in accordance with a predetermined condition (when a user makes a request; see paragraph 43); and



control means (server 32) for controlling said capture means (server 32 directs image acquisition system 20 to capture a new image when a user at a client machine makes an image request; see paragraph 43).

Abrams is silent with regard to controlling the capture means in accordance with a previously designated schedule.

Amini discloses a system and method for remote control of surveillance devices. Image data from cameras 312 is stored at off-site storage site 332, which also stores a camera configuration file storing start and stop times for the capture of image data by the cameras (see column 8, lines 51-67, and column 9, lines 14-17).

An advantage of capturing image only during times specified in a schedule is that unnecessary image data does not waste storage space. For this reason, it would have been obvious at the time of invention to have Abrams's system capture image data in accordance with a previously designated schedule.

Both Abrams and Amini are silent with regard to including means for managing an available term of the image data stored in said storage means.

Garfinkle discloses the system in Figure 1 including image server 16, which allows user to access stored images via the Internet (see column 5, lines 36-38). Digital images are maintained for a fixed period of time, after which they are deleted (see column 5, lines 40-44). Garfinkle teaches (see *id.*) that an advantage of removing stored images from a server after a set period of time is that disk space may be freed for other images. For this reason, it would have been obvious at the time of invention to have Abrams's and Amini's servers remove stored images after a specified period of time has elapsed.

**Claim 65** may be treated like claim 28. Additionally, Abrams teaches that the functionality of the servers may be implemented in software (see paragraph 27). It is inherent that the software is stored on a recording medium of some sort.

17. Claims 29, 61, and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abrams in view of Amini.

Regarding **claims 29 and 61**, Abrams discloses an image processing system (see Figure 4) comprising:

capture means (image acquisition system 20) for capturing image data from an image input apparatus (see paragraph 29) disposed on a network (Internet 40; see paragraph 49);

storage means (image buffer database 33) for storing the plural image data captured by said capture means (see paragraph 26);

processing and editing means (included in server 32) for receiving from the network a processing and editing request for the image data stored in said storage means, and processing and editing the image data (a user may request changes in image size, compression, and brightness; see paragraph 49);

transmission means (inherently present in telepresence control system 30, since data is transmitted to a user's computer 50; see paragraph 34) for transmitting the image data processed and edited by said processing and editing means; and

control means (server 32) for controlling said capture means (server 32 directs image acquisition system 20 to capture a new image when a user at a client machine makes an image request; see paragraph 43).

Abrams is silent with regard to controlling the capture means in accordance with a previously designated schedule.

Amini discloses a system and method for remote control of surveillance devices. Image data from cameras 312 is stored at off-site storage site 332, which also stores a camera configuration file storing start and stop times for the capture of image data by the cameras (see column 8, lines 51-67, and column 9, lines 14-17).

An advantage of capturing image only during times specified in a schedule is that unnecessary image data does not waste storage space. For this reason, it would have been obvious at the time of invention to have Abrams's system capture image data in accordance with a previously designated schedule.

**Claim 66** may be treated like claim 29. Additionally, Abrams teaches that the functionality of the servers may be implemented in software (see paragraph 27). It is inherent that the software is stored on a recording medium of some sort.

18. Claims 32 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amini in view of Needham.

**Claims 32 and 64** may be treated like claims 31 and 63, respectively. However, Amini is silent with regard to selecting an image to be uploaded based on a predetermined estimate standard.

Needham discloses a motion-detecting web camera system. Needham teaches:

creation means (a processor; see column 3, lines 36-43) selects based on a predetermined estimate standard (the result of one of a plurality of motion detection algorithms is compared with a predetermined threshold; see column 3, lines 44-51) from the plural image data captured by said capture means an image to be uploaded to the network (see column 3, lines 39-43).

As stated in column 2, lines 3-15, motion detection analysis of a video signal reduces the number of unnecessary images uploaded to a server, thus decreasing the bandwidth and time necessary to store useful shots. For this reason, it would have been obvious at the time of invention to have Amini's system select images based on a predetermined estimate standard, such as in the system described by Needham.

### ***Conclusion***

19. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Whipkey, whose telephone number is (571) 272-7321. The examiner can normally be reached Monday through Friday from 9:00 A.M. to 5:30 P.M. eastern daylight time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc-Yen Vu, can be reached at (571) 272-7320. The fax phone number for the organization where this application is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTW  
JTW

October 13, 2005

  
NGOC-YEN VU  
PRIMARY EXAMINER